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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)	Case No. 2:13-CR-000398-APG-GWF
)	
Plaintiff,)	
)	Stipulation to Extend the
vs.)	Deadlines in This Court's June 3,
)	2016 Order (ECF 40) By 30 Days
MARK ANTHONY NEWTON,)	
)	
Defendant.)	ORDER
)	

The United States of America, by Assistant United States Attorney Elizabeth O. White, and Defendant Mark Anthony Newton, by Assistant Federal Public Defender Nisha Brooks-Whittington, submit the following Joint Stipulation to extend, by thirty days, all of the deadlines set in this Court's Order dated June 3, 2016. *See* ECF 40.

The parties agree and stipulate to the following:

1. On March 18, 2015, this Court sentenced Newton to a total of 330 months' imprisonment on his convictions for interference with commerce by robbery in violation of 18 U.S.C. § 1951 ("Hobbs Act robbery"); use of a firearm during and in

1 relation to a crime of violence in violation of 18 U.S.C. § 924 (c)(1)(A); and felon in
2 possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) & 924(e)(1). ECF 52,
3 55.

4 2. On June 2, 2016, Newton filed the instant motion to vacate, set aside, or
5 correct his sentence pursuant to 28 U.S.C. § 2255. ECF 61. In his motion, Newton
6 contends that he does not qualify as an armed career criminal or as a career
7 offender, and that his Hobbs Act robbery conviction does not qualify as a predicate
8 crime of violence to support a § 924(c) conviction, and thus that he should be
9 resentenced to 70 months' imprisonment. ECF 61 at 2-3, 40-41.

10 3. On June 3, 2016, this Court ordered the government to respond to
11 Newton's motion by July 5, 2016. ECF 62. The Court further ordered Newton to file
12 any reply within 30 days after the government files its response. *Ibid.*

13 4. Government counsel obtained certain records necessary to draft the
14 government's response, but has requested and is still waiting to receive other
15 materials. Undersigned government counsel requests additional time to receive
16 and review those materials prior to filing the government's response to Newton's
17 motion with the Court.

18 5. In addition, in the past four months, the government has seen a four-fold
19 increase in the number of orders to respond to § 2255 motions, with most (but not
20 all) of that increase comprising § 2255 motions based on the *Johnson* decision. The
21 four appellate division attorneys responsible for drafting § 2255 responses (in
22 addition to their responsibilities drafting all the criminal appellate briefs for the
23 U.S. Attorney's Office) are working diligently, and are prioritizing motions filed by
24

1 defendants who could be eligible for immediate release if those motions are
2 successful.

3 6. For the reason stated above, the parties respectfully request that the
4 Court issue an order extending the deadlines in the Court's June 3, 2016 Order, by
5 thirty days.

6 DATED this 27th day of June, 2015.

7 Respectfully submitted,

8 RENE L. VALLADARES
9 Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

10 /s/ Nisha Brooks-Whittington
11 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

/s/ Elizabeth O. White
ELIZABETH O. WHITE
Appellate Chief and
Assistant United States Attorney

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15 IT IS SO ORDERED this 27th day of June,
2016.

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18 _____
UNITED STATES DISTRICT JUDGE
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